

VIA ELECTRONIC FILING

April 7th, 2024

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Defendant's violation of the Court's April 3rd, 2024 Order
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162

Dear Judge Gorenstein,

I write in response to the "Joint" letter of April 5th that was filed by the Defendant. He decided to remove a large portion of Plaintiff's letter that he didn't want to respond to, while also failing to follow the Court's April 3rd Order regarding the substance of his response.

That Order stated that "The jointly composed letter shall have a heading for each of the abovementioned sources. Plaintiff shall succinctly summarize why he believes defendant's search is insufficient...Defendant shall insert the text from plaintiff's letter into his own letter and add his response to each category."

Plaintiff sent his letter to Defendant on the 4th at 9:29 PM stating that he was available to discuss it at any time. Defendant did not respond until the 5th at 7:52 PM stating: "The order of the court was very specific in terms of what subject headings were to be utilized and discussed. Seven of them in total. Your letter had material that was outside those clearly marked subject headings and therefore was not included." His letter was filed 4 minutes later.

Defendant removed Plaintiff's explanation as to the inadequacy of his production, and specific examples of false statements he has made regarding it. Plaintiff's letter included a now removed table of contents clearly showing the removed sections to be part of Plaintiff's argument about the insufficiency of the search. The removed sections are attached as Exhibit A.

Most egregiously, he removed a section detailing how he has asserted that he need not produce any documents prior to June 1, 2019. His response argues that he has "imposed no such restriction", despite the deleted section describing in depth how he is doing exactly that.

Beyond his misunderstanding about what a joint letter is, he plainly disregarded the Court's order regarding the substance of his responses. He was to "indicate current counsel's involvement in and knowledge of the search as to each source." His responses are near identical to his prior letter and fail to describe much of anything that counsel did or knows.

Plaintiff requests that Defendant be found to have offered no opposition to the relief requested in Dkt #238 and that he be ordered to respond to each point of Plaintiff's entire letter in compliance with the Court's April 3rd order, so that there is a clear record. If his responses aren't in writing, there is little chance of him providing any clarity during the conference.

Respectfully submitted,

/s/Tyler Erdman
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